

## **MEMORANDUM**

TO: Planning and Zoning Commission

FROM: Jeremy Ginsberg

SUBJECT: Proposal to Amend the Darien Zoning Regulations

DATE: May 24, 2006

There are a number of proposed amendments to the Zoning Regulations:

- A. Modify Section 210 Add definition of Catering Business
- B. Modify Section 210 Modify Definition of Story
- C. Modify Section 311 Add MU to list of Zone Classifications
- D. Modify Section 371 clarifying size of cupolas
- E. Modify Section 513 regarding moderate income housing definitions and resale values
- F. Modify Section 664 Add Catering Business to Uses Requiring Special Permit in SB Zone
- G. Modify Section 904 Modify off-street parking requirements to add Catering Business
- H. Modify Section 922b and 922c Change permitted size and locations of contractors signs and “for sale” signs
- I. Modify Section 1022 Require Site Plan approval for all non single-family residential developments in all zones.

(Additions in bold, deletions in strikeout)

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### *A. Modify Section 210 Add definition of Catering Business*

#### **Section 210:**

**Catering Business:** A place whose primary business (over 75% of business by value of items sold) is the sale of food and drink prepared in bulk in one location for service in individual portions at another property, or which involves preparation and service of food on premises not under the ownership or control of the operator of such service. The preparation and delivery of box lunches from a licensed restaurant is not considered a catering function. A residential kitchen within a residence cannot be licensed for a catering business. A catering business may have up to two tables and up to eight seats for patrons to eat and/or sample food.

***B. Modify Section 210 Modify existing Definition of Story***

**Section 210:**

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. **Any finished and/or habitable space on a level of a building shall count as a story or a half story.** A basement shall be counted as a **full** story if its ceiling is more than five feet above the elevation from which the height of the building is measured, or if a floor area in excess of 50 percent of the floor area directly above it used for any purpose other than accessory storage, vehicular parking, or housing of mechanical equipment (such as facilities for heating, plumbing, electrical, water, waste disposal and the like) attached to and required to serve the building. An attic shall be counted as a **full** story if the finished and habitable portions of the attic are greater than 50% of the square footage of the floor immediately below the attic. (See Subsection 225 for illustration.)

***C. Modify Section 311 Add MU to list of Zone Classifications***

311. Zone Classifications

The Town of Darien is hereby divided into the following classes of zones:

R-2	One Family Residential Zone - 2 acre
R-1	One Family Residential Zone - 1 acre
R-1/2	One Family Residential Zone - 1/2 acre
R-1/3	One Family Residential Zone - 1/3 acre
R-1/5	One Family Residential Zone - 1/5 acre
R-NBD	Noroton Bay District Residential Zone
DMR	Designed Multi-Family Residential Zone
PR	Parking - Residential Zone
3.7AH	3.7 Acre Hollow Tree Ridge Road Small Acreage Zone for Affordable Housing
DBR	Designed Business and Residential Zone
DOR-5	Designed Office and Research Zone - 5 acre site
DOR-1	Designed Office and Research Zone - 1 acre site
NB	Neighborhood Business Zone
OB	Office Business Zone
DB-1	Designed Business One Zone
DB-2	Designed Business Two Zone
DC	Designed Commercial Zone
CBD	Central Business District Zone
SB-E	Service Business East Zone
SB	Service Business Zone
MU	<b>Municipal Use Zone (Floating Zone)</b>

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***D. Modify Section 371 clarifying permitted size of cupolas***

371. Height of Buildings or Structures

The height limitations of these Regulations shall not apply to church spires, ~~bellfries~~**bellfries**, flagpoles, cupolas and domes not used for human occupancy; or to chimneys, ventilators, solar panels, skylights, water tanks, bulkheads, non-commercial transmitting or receiving antennas, or similar features, and necessary mechanical appurtenances usually carried above the roof level. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose they are intended to serve, and the total area covered by such features shall not exceed ~~45~~**10** percent of the roof area or the area actually needed, whichever is less. **Small, decorative and/or functional cupolas and similar structures on residential buildings shall be included in building height calculations if the peak of the cupola/structure is more than 4 feet above the roof on which it is placed, and/or if the width or depth of the outside edges of any part of the cupola/structure and/or its roof exceed 4 feet.**

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***E. Modify Section 513 regarding moderate income housing definitions and resale values***

513. Moderate Income Housing Incentive

513.1 Criteria for Moderate Income Dwelling Units

- a. Moderate income units shall be available for sale, resale or continuing rental only to moderate income families as defined in Subsection 513.2. Such units shall be physically integrated and dispersed into the design of the development. Moderate Income Units shall be distributed among one, two or three bedroom units in the same proportion as all other units on the site unless a different proportion is approved by the Commission as being better related to current or projected housing needs.
- b. Maximum Rent and Sales Price - the maximum monthly rent for a moderate income dwelling unit excluding utilities (gas, oil and electricity) and common charges shall not exceed two percent of the median annual Town-paid wages of all full time employees and teachers during the preceding calendar year. The maximum sales price for a moderate income dwelling unit shall not exceed 3 1/2 times the median annual Town-paid wages of all full time Town employees, including Board of Education employees, **with the exception of cafeteria workers**, during the preceding calendar year. **Wages for seasonal employees and/or employees who began or terminated employment during the year will not be considered.** There shall be no extra charge for minimum required facilities such as, but not limited to, parking and recreational facilities other than common charges applicable to all dwelling units.
- c. Resale Restrictions - in the case of moderate income dwelling units, the title to said property shall be restricted so that in the event of any resale by the owner or

any successor, the resale price shall not exceed the then maximum sales price of said unit as determined in accordance with Subsection 513.1 (b) above, plus the cost of any fixed improvements made by the owners.

- d. The Commission may require additional assurances, including deed restrictions, to ensure the continuing eligibility of tenants and continuing restrictions on use to eligible moderate income families.
- e. Leasing and Subleasing - moderate income units may be occupied only by the owner and his or her immediate family, qualified according to these Regulations, except that any unit not owner-occupied may be rented only if the tenant qualifies according to these Regulations.

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***F. Modify Section 664 Add Catering Business to Uses Requiring Special Permit in SB Zone***

**664. Principal Uses Requiring Special Permits**

The following uses shall be permitted subject to approval of a Special Permit in accordance with Section 1000:

- a. Protected Town Landmarks.
- b. Restaurants provided that at least 1,200 square feet of indoor space shall be devoted to customer tables and seating area.
- c. Veterinary hospitals, clinics and indoor kennels.
- d. Hotels and inns.
- e. Automotive services as defined in Section 210.
- f. Indoor recreation facilities.
- g. Dwelling units located on the first, or first and second floors of existing buildings not utilized for automotive services.
- h. Assisted Living Facility, Independent Living Facility or a combination thereof. See Section 667.
- i. Catering Business**

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***G. Modify Section 904 Modify off-street parking requirements to add Catering Business***

**904. Off-Street Parking Spaces**

- u. Catering Business**                      **1 space for each 250 sq. ft. of gross floor area.**

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***H. Modify Section 922b and 922c Change permitted size and locations of contractors signs and "for sale" signs***

922. Permitted Signs

The following unlighted signs shall be permitted without the necessity of obtaining a permit, provided all setback requirements shall be complied with:

- a. A sign not to exceed one square foot stating merely the name and/or the business of the owner or occupant of the premises where the sign is located.
- b. A temporary sign not exceeding three (3) square feet in area **for projects in residential zones, and thirty-two (32) square feet in area for projects in non-residential zones** identifying the architect, engineer, house painter, contractor or subcontractor during the course of work or construction on the premises where the sign is located. There shall be only one temporary sign per lot permitted. A temporary sign shall be setback at least **1530** feet from the edge of the road surface and shall not be affixed to any tree or utility pole within a public Right-of-Way. The sign shall be removed upon completion of work.
- c. One (1) "For Sale" or "For Lease" sign per lot, not exceeding three (3) square feet in area. ~~Only the words "For Sale", or "For Lease", followed by "By Broker" or "By Owner", followed by a telephone number may appear on the sign. All other identifying words, symbols, logos or characters are prohibited.~~ The "For Sale" or "For Rent" signs shall be setback at least **3015** feet from the edge of the road surface and shall not be affixed to any tree or utility pole within a public right-of-way.

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***I. Modify Section 1022 Require Site Plan approval for all non single-family residential developments in all zones.***

1022. Authority

Site Plan approval from the Commission shall be obtained prior to the establishment, expansion, or change of any use of land and/or structure which requires Special Permit approval, **or is not a single-family residential use.** ~~or is located in one or more of the following zones: PR, DBR, DOR 5, DOR 1, NB, OB, DB 1, DB 2, DC, CBD, SB E and SB.~~